Case: 1:17-cv-02521-DAP Doc #: 1-2 Filed: 12/04/17 1 of 32. PageID #: 7

EXHIBIT A

SUMMONS IN A CIVILACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER CLEVELAND, OHIO 44113

CASE NO. CV17889784

D1 CM

SUMMONS NO. 33932914

Rule 4 (B) Ohio

Rules of Civil Procedure

W. 6 RESTAURANT GROUP LTD., D.B.A. ETC. - ET AL.

VS

RICHARD BENGSTON - ET AL.

PLAINTIFF

DEFENDANT

SUMMONS

RICHARD BENGTSON 6447 WEIDLAKE DRIVE LOS ANGELES CA 90068-0000

Said answer is required to be served on:



Plantiff's Attorney

JEFFREY C MILLER 200 PUBLIC SQUARE

SUITE 3270

CLEVELAND, OH 44114

You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Case has been assigned to Judge:

JOSEPH D RUSSO

DATE SENT Dec 1, 2017

Do not contact judge. Judge's name is given for attorney's reference only.

NAILAH K. BYRD Clerk of the Court of Common Pleas

Jammy Cawtha

Deputy

COMPLAINT FILED 11/30/2017



CMSN130

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER CLEVELAND, OHIO 44113

CASE NO. CV17889784

D1 CM

SUMMONS NO. 33932915

Rule 4 (B) Ohio

Rules of Civil Procedure

W. 6 RESTAURANT GROUP LTD., D.B.A. ETC. - ET AL.

VS

RICHARD BENGSTON - ET AL.

PLAINTIFF

DEFENDANT

SUMMONS

RICHARD BENGTSON 26 HOLDEN STREET LOWELL MA 01851-0000

Said answer is required to be served on:



Plantiff's Attorney

JEFFREY C MILLER 200 PUBLIC SQUARE

SUITE 3270

CLEVELAND, OH 44114

You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Case has been assigned to Judge:

JOSEPH D RUSSO

Do not contact judge. Judge's name is given for attorney's reference only.

NAILAH K. BYRD
Clerk of the Court of Common Pleas

DATE SENT Dec 1, 2017 Jammy Cawthe

Deputy

COMPLAINT FILED 11/30/2017



SUMMONS IN A CIVILACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER CLEVELAND, OHIO 44113

CASE NO. CV17889784

D2 CM

SUMMONS NO. 33932916

Rule 4 (B) Ohio

Rules of Civil Procedure

W. 6 RESTAURANT GROUP LTD., D.B.A. ETC. - ET AL.

vs

RICHARD BENGSTON - ET AL.

PLAINTIFF

DEFENDANT

SUMMONS

ALISSA VIOLET BUTLER 3548 ABINGTON COURT BRUNSWICK OH 44212-0000

Said answer is required to be served on:



Plantiff's Attorney

JEFFREY C MILLER 200 PUBLIC SQUARE

SUITE 3270 CLEVELAND, OH 44114

DATE SENT Dec 1, 2017 You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Case has been assigned to Judge:

JOSEPH D RUSSO

Do not contact judge. Judge's name is given for attorney's reference only.

NAILAH K. BYRD Clerk of the Court of Common Pleas

Jammy Cawtha

Deputy

COMPLAINT FILED 11/30/2017



IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

W.6 Restaurant Group Ltd.,) CASE NO.		
d/b/a The Barley House Cleveland)		
1261 West 6th Street	Judge: JOAN SYNENBERG		
Cleveland, OH 44113)		
	CV 17 889784		
and)		
•) <u>VERIFIED COMPLAINT</u>		
Richie Madison			
1676 Lewis Drive)		
Lakewood, OH 44107) Jury Demand Endorsed Hereon		
•)		
Plaintiffs,)		
·)		
v.)		
) C 2		
Richard Bengtson	CLERK CLERK OVANION		
6447 Weidlake Drive) ≥ Super and the super and		
Los Angeles, CA 90068	· · · · · · · · · · · · · · · · · · ·		
and	SAR T M		
•	Sam D		
Alissa Violet Butler			
3548 Abington Court	΄		
Brunswick, OH 44212			
Defendants.			

Now comes Plaintiffs, W.6 Restaurant Group Ltd. and Richie Madison ("Madison"), collectively the "Plaintiffs," by and through undersigned counsel, and for their Complaint against the Defendants, Richard Bengtson ("Bengtson") and Alissa Violet Butler ("Butler"), state as follows:

INTRODUCTION

 Plaintiffs bring this action to protect themselves and other innocent individuals associated with them from the viscous and irresponsible mayhem the Defendants have rendered through social media.

- 2. Defendant Bengtson is the individual behind the social media character known as "Ricky Banks" or "FaZe Banks."
- Defendant Butler is the individual behind the social media character known as "Alissa Violet."
- 4. Together, Defendants have millions upon millions of followers across numerous social media platforms, including Twitter, Instagram, Facebook, and Snapchat.
- 5. Beginning in the early morning hours of November 26, 2017, after a night of partying, and then continuing over the next days, Defendants used their online fame to engage in deplorable cyber-bullying campaigns against Plaintiffs, their employees, and their patrons.

THE PARTIES AND JURISDICTION

- 6. W.6 Restaurant Group Ltd. is an Ohio limited liability company which owns and operates The Barley House Cleveland, a restaurant and bar located at 1261 W 6th St, Cleveland, OH 44113 (the "Barley House").
- 7. Richie Madison is an individual that, for all times relevant herein, has and does work as a security guard for Barley House.
- 8. Defendant Richard Bengtson is an individual who, upon present information and belief, resides at 6447 Weidlake Drive, Los Angeles, CA 90068.
- 9. Defendant Alissa Violet Butler is an individual who, upon present information and belief, resides at 3548 Abington Court, Brunswick, OH 44212.
- 10. This court has personal jurisdiction over the Defendants because the events giving rise to this Complaint occurred in Cuyahoga County, Ohio.
 - 11. This court has subject matter jurisdiction pursuant to R.C. 2305.01.
- 12. Venue is proper in this Court pursuant to Civ.R. 3(B) (3) and (6) because Defendants published defamatory publications directed to and substantially felt by citizens and

businesses located in Cuyahoga County, Ohio, and because all or part of the claim for relief arose in Cuyahoga County, Ohio.

FACTS COMMON TO ALL CLAIMS

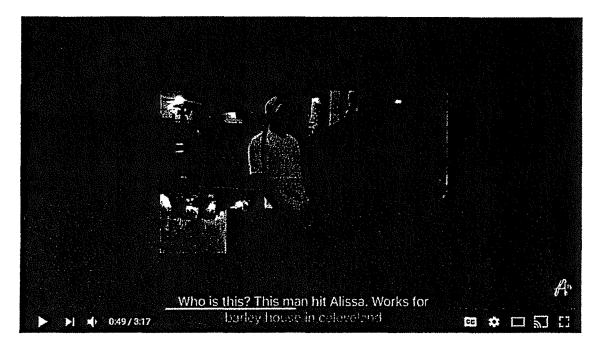
- 13. Plaintiffs incorporate the foregoing allegations as if fully rewritten herein.
- 14. On Saturday, November 25, 2017, Defendants visited the Barley House.
- 15. Defendants remained on the property past normal business hours until security personnel, including Plaintiff Madison, were forced to remove Defendants from a restricted area of the property on Sunday, November 26, 2017 at approximately 2:30 A.M.
- 16. Defendants were combative with the Barley House security personnel as they were escorted off the property.
- 17. On multiple occasions, Defendant Bengtson punched, shoved, and choked Plaintiff Madison as Plaintiff Madison attempted to escort him off of the property.
- 18. After Defendants were removed from the property, they continued to linger outside the Barley House for approximately thirty minutes, harassing and instigating conflicts with third parties.
- 19. Defendants became involved in multiple violent altercations with third parties while standing outside the Barley House well after normal business hours.
- 20. The Barley House, its owners, and employees were not involved in the altercations between Defendants and third parties, except to the extent that certain security personnel attempted to stop the violence among those involved.
- 21. Since the incident, both Defendants have made false, destructive, and defamatory statements regarding the Barley House, its owners, and employees, including Plaintiff Madison, on various social media platforms, including, but not limited to Facebook, Snapchat, Instagram, YouTube and Twitter.

- 22. The social media characters of Defendants and the Defendants' social media presence have millions of followers.
- 23. Defendants' statements are false, destructive, and defamatory in that they allege the Barley House, its owners, and employees, engaged in criminal, reckless, or tortious behavior while interacting with Defendants and/or with respect to their alleged involvement in Defendants' altercations with third parties outside of the Barley House's property.
- 24. Defendants made the false statements contained in the social media posts in an effort to harm Plaintiffs' reputations, businesses, livelihoods, and well-being.
- 25. Specifically, in an effort to undermine public and private trust and confidence in the Barley House's business, Defendants made false statements in the social media posts, including, but not limited to, those attached as Exhibit "A."
- 26. In an effort to ridicule and harass Plaintiff Madison and ruin his reputation,
 Defendants made false statements in the social media posts, including, but not limited to, those
 attached as Exhibit "B."
- 27. Upon information and belief, Defendants intentionally and maliciously caused the statements to be published for review by millions of social media users to incite violence and hostile behavior directed at Plaintiffs.
- 28. Since November 26, 2017, Defendants have continued to post statements on social media platforms containing similar, if not the same, defamatory and destructive statements outlined above.

<u>COUNT I</u> (Defamation)

29. Plaintiffs incorporate the foregoing allegations as if fully rewritten herein.

- 30. Based on the facts and evidence above, Defendants are liable to Plaintiffs under the cause of action for defamation.
- 31. Defendants made false statements regarding Plaintiffs in numerous incidents discussed above and attached hereto.
- 32. For example, the Defendants falsely claim that an employee of Barley House assaulted Defendant Violet, as evidenced by the screenshot below:



- 33. The person identified above by the Defendants is not an employee of Barley House.
- 34. In a video made and directed at Barley House, Defendant Butler falsely claimed and published that "Barley House in Cleveland just literally tried so much shit. They fucked us up in Cleveland. No one go to Barley House, I'm about to file a lawsuit."
- 35. In video made and directed at Barley House, Defendant Bengtson falsely claimed and published: "Barley House in Ohio, Cleveland, fuck this place. These guys just fucking

choked me out, cause this guy just tried to grab my girlfriend's ass. Fuck Barley House in Cleveland. This should be on TMZ tomorrow."

- 36. In video and audio captured and directed at Barley House, the Defendants claimed: "Do you know who we are? We can ruin you!"
 - 37. Defendants' statements regarding Plaintiff Barley House are untrue.
- 38. Defendants also made defamatory statements regarding Plaintiff Madison which are untrue.
- 39. Defendants' allegations and insinuations regarding Plaintiffs are defamatory insofar as they constitute allegations of criminal, reckless, or tortious behavior.
 - 40. Defendants made the false statements in an effort to harm Plaintiffs' reputation.
- 41. Defendants made the false statements in an effort to undermine public and private trust and confidence in the Barley House's business.
- 42. Defendants' allegations and insinuations regarding Plaintiff were published to third-parties through media outlets including, but not limited to, Facebook, Snapchat, Instagram, YouTube and Twitter.
- 43. Defendants acted at least maliciously by publishing and making these statements that they knew to be false or should have known to be false.
- 44. As a direct and proximate result of Defendants' intentional and malicious conduct in publishing these statements to third parties, Plaintiffs have suffered damages to their character, goodwill, and business in an amount to be determined at trial.

COUNT II (False Light)

45. Plaintiffs incorporate the foregoing allegations as if fully rewritten herein.

- 46. Defendants acted with reckless disregard for the truth or the light the Plaintiffs would be placed in when making false and defamatory statements on social media accounts as discussed above.
- 47. Defendants knew their statements were false and that they would place Plaintiffs in a false light.
 - 48. Defendants lacked privilege to place Plaintiffs in a false light.
- 49. As a result of being placed in a false light, Plaintiffs have suffered damages in an amount to be determined at trial.

COUNT III (Intrusion Upon Seclusion)

- 50. Plaintiffs incorporate the foregoing allegations as if fully rewritten herein.
- 51. Defendants have caused intrusions, physical or otherwise, into the Plaintiffs' private affairs.
 - 52. The intrusions experienced by Plaintiffs are objectionable to a reasonable person.
- 53. As a result of Defendants' intrusions upon Plaintiffs' private affairs, Plaintiffs have suffered damages in an amount to be proven at trial.

COUNT IV (Tortious Interference with Business Relations)

- 54. Plaintiffs incorporate the foregoing allegations as if fully rewritten herein.
- 55. Defendants' false and defamatory statements described above, including Defendant Bengtson's supplemental statement that everyone should "Boycott the Barley House," were made by Defendants to intentionally interfere with the Barley House's existing business relations and prospective economic relationships and without justification.
- 56. The Barley House, at the direction of its owners, had entered into and pursued business relationships with third parties prior the acts giving rise to this Complaint.

- 57. Due to the Defendants' conduct and their allegations regarding the Barley House, its owners, and employees, multiple third parties have terminated their existing and prospective business relationships with the Barley House.
- 58. Defendants knew that the Barley House had such existing and/or prospective business relationships.
- 59. Defendants conduct was designed to intentionally interfere with the Barley House's existing and/or prospective business relationships.
 - 60. Defendants lacked justification for their conduct.
- 61. As a proximate result of Defendants conduct, Plaintiffs have suffered damages in an amount to be proven at trial.

<u>COUNT V</u> (Intentional Infliction of Emotional Distress)

- 62. Plaintiffs incorporate the foregoing allegations as if fully rewritten herein.
- 63. Defendants engaged intentionally or recklessly acted with extreme or outrageous conduct when, among other things, posting the false and defamatory statements described above on various social media platforms.
- 64. Defendants' conduct is intolerable in a civilized society and exceed the possible limits of human decency.
- 65. Not only did the Defendants statements cause direct harm to the Barley House and its owners, the statements caused distress and severe emotional harm to the Barley House employees, including Plaintiff Madison, and their respective immediate family members who were, and continue to be, harassed as a result of Defendants' statements.
- 66. Defendants conduct and statements were a substantial factor in creating Plaintiff Madison's and the other employees' distress and emotional harm.

67. Plaintiff Madison and other employees have suffered emotional distress beyond what a reasonable person could endure, and have suffered damages in an amount to be proven at trial.

COUNT VI (Battery)

- 68. Plaintiffs incorporate the foregoing allegations as if fully rewritten herein.
- 69. Defendant Bengtson caused harmful or offensive contact to Plaintiff Madison when, among other things, Defendant Bengston choked Plaintiff Madison and punched his person repeatedly.
- 70. Defendant Bengtson acted with intent to cause such harmful or offensive contact to Plaintiff Madison's person.
- 71. Plaintiff Madison did not consent to Defendant Bengtson's extreme and outrageous contacts.
 - 72. Defendant Bengtson's contacts would offend a person of ordinary sensibilities.
- 73. Defendant Bengtson's contacts caused Plaintiff Madison to suffer physical injuries in an amount to be proven at trial.

COUNT VII (Assault)

- 74. Plaintiffs incorporate the foregoing allegations as if fully rewritten herein.
- 75. Defendants' threatening statements and other social media posts which tend to incite violence have caused Plaintiff Madison to experience a reasonable apprehension of imminent harmful or offensive contact.
- 76. Defendants have acted with the intent to cause Plaintiff Madison to apprehend imminent harmful or offensive contact.

- 77. Plaintiff Madison is aware of Defendants' acts and statements and reasonably believes that Defendants and/or their agents or followers have the ability to cause imminent or offensive contact to Plaintiff Madison.
- 78. Defendants' conduct goes beyond mere words in that Defendants and/or their agents have stalked Plaintiff Madison, invaded his personal privacy, and actively made threats to Plaintiff Madison and his family.
- 79. As a result of Defendants' tortious conduct, Plaintiff Madison has suffered damages in an amount to be proven at trial.

COUNT VIII (Preliminary and Permanent Injunction)

- 80. Plaintiffs incorporate the foregoing allegations as if fully rewritten herein
- 81. As a result of Defendants' continuous efforts to engage in defamatory actions against Plaintiffs, Plaintiffs continue to be harmed by Defendants' actions, and Plaintiffs have no adequate remedy at law for Defendants' damage and harm to Plaintiffs' business, occupation, and reputation.
- 82. Upon information and belief, Defendants will continue to publish and make false statements regarding Plaintiffs.
- 83. If Defendants are allowed to continue to publish and make these statements, Plaintiffs will be irreparably damaged.
 - 84. There is a substantial likelihood that Plaintiffs will succeed on the merits.
- 85. The threatened injury to Plaintiffs outweighs any damage the proposed injunction will cause to Defendants.
- 86. Accordingly, Plaintiffs seek injunctive relief prohibiting Defendants from making any untrue or deceptive statements regarding Plaintiffs, and requiring Defendants to remove

from any and all sources any previous false or destructive statements and information Defendants made, or caused to be made, available to third parties and any online resource.

87. As a result of Defendants' improper and unlawful conduct, Plaintiffs have and will continue to suffer damages in an amount to be proven at trial.

WHEREFORE, Plaintiffs respectfully request judgment against Defendants as follows:

- A. As to Count I, judgment against Defendants in an amount to be proven at trial in excess of \$25,000;
- B. As to Count II, judgment against Defendants in an amount to be proven at trial in excess of \$25,000;
- C. As to Count III, judgment against Defendants in an amount to be proven at trial in excess of \$25,000;
- D. As to Count IV, judgment against Defendants in an amount to be proven at trial in excess of \$25,000;
- E. As to Count V, judgment against Defendants in an amount to be proven at trial in excess of \$25,000;
- F. As to Count VI, judgment against Defendants in an amount to be proven at trial in excess of \$25,000;
- G. As to Count VII, judgment against Defendants in an amount to be proven at trial in excess of \$25,000;
- H. As to Count VIII, injunctive relief in the form of a temporary restraining order ordering Defendants to cease and desist in making untrue or deceptive statements about Plaintiffs and requiring Defendants to remove from any and all sources any false or untrue statements and information regarding Plaintiffs Defendants made, or caused to be made, available to third parties and any online resource.

- I. Punitive damages;
- J. Reasonable attorneys' fees; and
- K. Such other further relief as this Court deems just and proper.

Respectfully submitted,

Jeffrey C. Miller (#0068882)

Christopher B. Congeni (#0078160)

Adam D. Fuller (#0076431)

Chad R. Rothschild (#0088122)

BRENNAN, MANNA & DIAMOND, LLC

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Cleveland, OH 44114

Telephone:

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cbcongeni@bmdllc.com

adfuller@bmdllc.com

crothschild@bmdllc.com

Counsel for Plaintiffs

JURY DEMAND

Plaintiffs hereby demand trial by jury on all issues so triable.

Counsel for Plaintiff

VERIFICATION

Robert George, under penalty of perjury, hereby declares and verifies that he is an owner of W.6 Restaurant Group Ltd., plaintiff in the above-named action, and that he has read the foregoing Verified Complaint and knows the contents thereof, and the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and as to those matters he believes them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

This 30th day of November, 2017.

SWORN TO BEFORE ME and subscribed in my presence this 30th day of November, 2017.

Notary Public
Afterney, My Comm. does not expire

Carson Threat to her Full Time Job Company

Sunday, November 26, 2017 4:43 PM

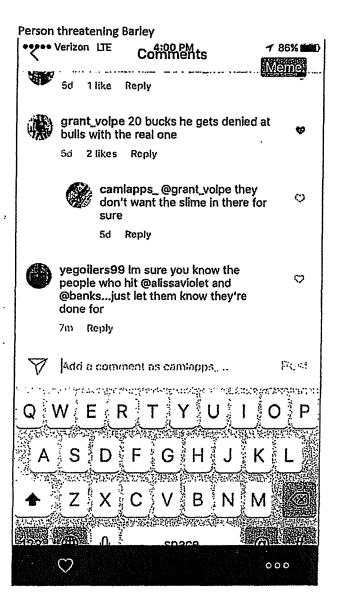
Exhibit A to Complaint

Employees main employer getting bad reviews due to her working there and someone finding ••••• Verizon LTE 4:00 PM **1** 86% ₩₩ **BH Staff** messing with the wrong group. Carson (7) EVENTS REVIEWS ABOUT Options 3./★ Ratings 3 7 of 5 stars from 3 ratings 11 NO SERVICE AND ASSESSMENT OF A PARTY OF A D'eandre Young reviewed Epiphany Management Group - 60 16 mas - 0 Employing a criminal thug like Carson wouldn't be good for your company. (C) Like Comment Comment CONTRACTOR NAMED AND POSTED PARK A PARK A Paul Lazoran reviewed Epiphany Management Group - 679 Oct 6 at 3:04pm • O 🖒 Uke Comment A Share

Send Message...

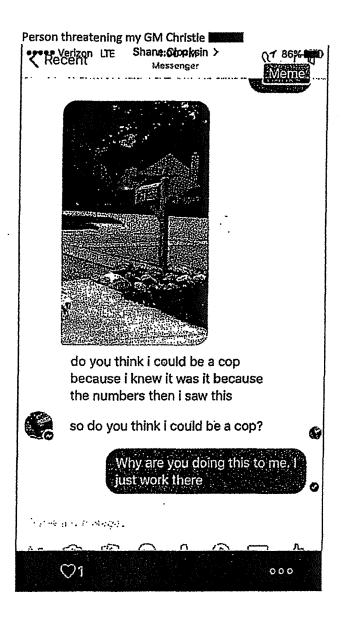
Cameron Lapp's caught post

Sunday, November 26, 2017 4:44 PM



Christie (GM) mailbox threat post

Sunday, November 26, 2017 4:44 PM



Innocent Barley House Customer Accusation

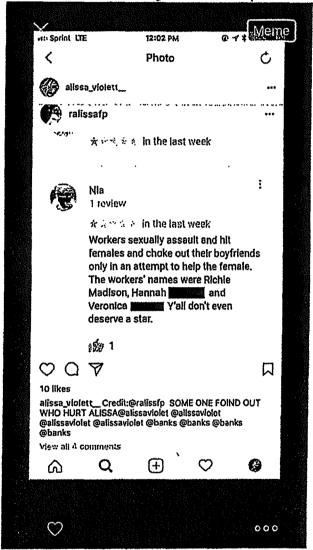
Sunday, November 26, 2017 4:45 PM



Lie just Made up

Sunday, November 26, 2017 4:45 PM

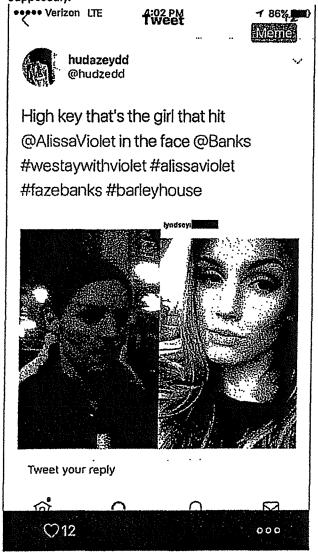
Random staff members being accused with no proof.



Server Lyndsey Accused of Being Assailant

Sunday, November 26, 2017 4:46 PM

Employee accused as assailant because they look alike supposedly.



General Threat

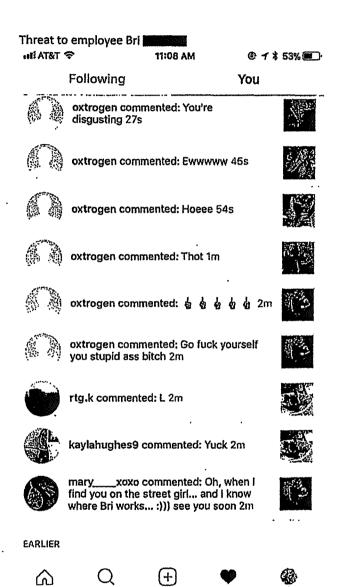
Sunday, November 26, 2017 4:48 PM

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128	Q	spac	æ (Q: #

Threat to Server Briana |

Never Involved

Sunday, November 26, 2017 4:49 PM



Facebook Tags

Monday, November 27, 2017 3:49 PM

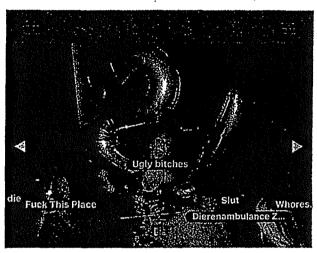
More People Harrassing Us

Search at 🖘

12:26 PM

\$ 82% (mg)

facebook.com



* O //

Barley House Cleveland With Whores., Dierenambulance Zuid-Oost Drenthe, Fuck This Place, Slut, die and Ugly bitches

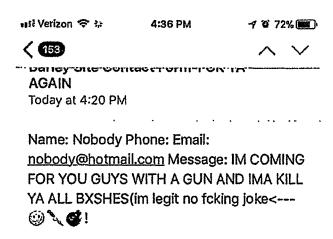
Mobile Uploads - Saturday at 4:57pm -

View Full Size · More Options



Barley House Threat via Email-One of Many

Sunday, November 26, 2017 5:21 PM





Storm Coming posted at 3:34am show given no time to look into situation to see what really happened

Tuesday, November 28, 2017 10:23 AM ati AT&T 🎓 3:34 AM 7 17% () Comments barleyhousecle Never know who you'll see at Barley House..Thank you @iamhalsey for partying w/ us the other night! Come see @thaiger39 in the booth tonight! **6** 10 2d kaylaujczo @emilyeschrader 2d Reply thejaredhasson Ø @masterfutes009 you check it out? 8h Reply troarrr Storm is coming soon get ready bitches!!! 17m 2 likes Reply

17.7

Add a comment as barleyhous...

Richie Madison Threat by Banks Exhibit B Sunday, November 26, 2017 3:58 PM to Complaint erii AT&T 후 1:54 PM Photo explain.expert richlemadison #throwback to #mlami View all 182 comments banks You're fucked \square Q \oplus Richie Madison is in the picture above. See the comment from banks below, "you're fucked".

Security Member Richie Madison Threatened

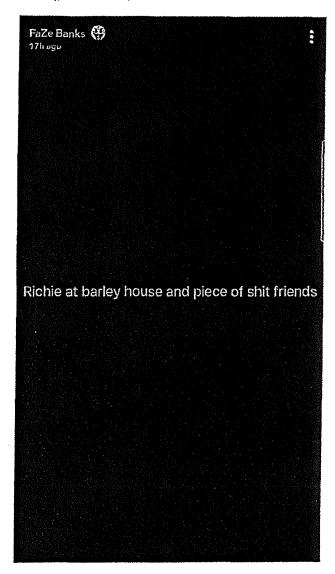
Sunday, November 26, 2017 4:46 PM

My security guard Richie Madison being directly threatened by Ricky Blaze on social media. His girlfriend has been threatened as well.



Threat to Richie

Tuesday, November 28, 2017 9:10 PM



Another Threat

Tuesday, November 28, 2017 9:11 PM

